

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

BEATRICE WILLIS,)
v.)
Plaintiff,)
v.) CIVIL ACTION NO. 3:05-CV-1019-W
SEARS, ROEBUCK & CO.,)
Defendant.)

**JOINT MOTION TO EXTEND DEADLINE TO SUBMIT
DEFENDANT'S REPLY BRIEF**

The plaintiff, Beatrice Willis, and the defendant, Sears Roebuck & Co., move this Court to extend the time for the defendant to submit its reply to the plaintiff's opposition to the defendant's motion for summary judgment by ten (10) days, making the deadline February 12, 2007, rather than February 2, 2007. As grounds for this Motion, the parties state as follows:

1. The current deadline for the defendant to file its response to the plaintiff's opposition to the defendant's motion for summary judgment is February 2, 2007.
2. The parties are currently engaged in meaningful settlement negotiations and have scheduled a face-to-face settlement conference on February 7, 2007. The parties believe that the requested extension will free up the parties' resources and allow them to put these resources towards settlement rather than towards preparing a reply brief. The parties are optimistic that this will increase the likelihood of settlement at the face-to-face conference, if not before.
3. Additionally, counsel for the defendant has a total of three motions for summary judgment and supporting briefs due on or before February 8, 2007. These cases include *Ford v. Cingular Wireless Employee Services*, CV-06-P-0114, *Green v. R & L Foods*, CV-06-PWG-250,

and *Sharron Harris v. Sears Holding Corporation*, CV-05-S-2375-NE , all of which are pending in the Northern District of Alabama.

4. The requested extension will not prejudice either party and will not affect any other deadline established in this case, including the trial date.

5. The parties have jointly agreed to this motion, and plaintiff's counsel has given the undersigned the authority to represent to the Court that he joins with defendant's counsel in filing this motion. The undersigned is signing on behalf of both parties in an effort to expedite the filing and consideration of this motion.

Wherefore, premises considered, the parties respectfully request that this Court grant this Motion and extend the deadline for the defendant to file its reply to the plaintiff's opposition to the defendant's motion for summary judgment by ten (10) days.

Respectfully submitted,

/s/Mieke A. Hemstreet
Mac B. Greaves (GRE007)
Mieke A. Hemstreet (HEM007)
Attorney for Defendant

SEARS, ROEBUCK & CO.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendant has been served on the following by directing same to his office address through first-class, United States mail, postage prepaid, on this the 23rd day of January, 2007:

T. Robin McIntyre
2101 Executive Park Drive
Opelika, AL 36801

/s/Mieke A. Hemstreet
OF COUNSEL